

### **REMARKS**

Claims 1-12 and 14-19 are now pending in the application. By this amendment, Applicant has amended Claim 18 to traverse the objection thereto. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **CLAIM OBJECTIONS**

Claims 16 and 18 are objected to because they are duplicated claims both depending from Claim 1. Applicant has amended Claim 18 to depend on Claim 11. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 5, 11 and 14-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Schwartz et al. (U.S. Pat. No. 6,421,342; hereinafter "Schwartz"). This rejection is respectfully traversed.

Applicant respectfully submits that the Schwartz reference fails to disclose creating "paths appropriate to make the network operate as a strictly non-interfering network" as provided for by independent claims 1, 5 and 11. The Examiner cites two portions of the Schwartz reference as supporting the assertion that a strictly non-interfering network is disclosed, i.e., column 20, line 15 to column 23, line 30 and column 11, lines 6-50.

With respect to column 11, lines 6-50, Applicant respectfully submits that the discussion of a switch that "will be effectively non-blocking" is not the same as a "strictly

non-interfering network" as claimed. As discussed in Applicant's Amendment filed November 8, 2008, a strictly non-interfering network as claimed is a special type of non-blocking network. Thus, a short reference in Schwartz regarding a switch that "will effectively be non-blocking" cannot be considered to be an enabling disclosure of a "strictly non-interfering network" as claimed. Furthermore, column 20, line 15 to column 23, line 30 of Schwartz merely discusses a method of creating a binary search tree arrangement that provides for routing of a packet based on portion of the destination address. Applicant respectfully submits that this section of Schwartz contains no discussion related to a strictly non-interfering network as claimed.

Applicant has reviewed the Schwartz reference in detail and has found no reference whatsoever to a strictly non-interfering network as claimed. The mere mention of a non-blocking network in Schwartz does not constitute a teaching of creating "paths appropriate to make the network operate as a strictly non-interfering network" as provided for by the claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because Schwartz fails to disclose a "strictly non-interfering network" as claimed, Applicant respectfully submits that Schwartz cannot anticipate the independent claims.

Applicant therefore respectfully submits that independent Claims 1, 5 and 11 are patentable over the cited reference. As Claims 14 and 15 depend upon and include the limitations of independent Claim 11, Applicant submits that these claims are also

patentable over the cited reference for the same reasons. Applicant requests that the rejection under Section 102(b) be withdrawn.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2, 6, 12 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz in view of Dally (U.S. Pat. Pub. No. 2003/0058848; hereinafter "Dally"). Claims 3, 4, 7-10 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz in view of Brahmaroutu (U.S. Pat. Pub. No. 2003/0033427; hereinafter "Brahmaroutu"). These rejections are respectfully traversed.

With respect to claim 19, Applicant respectfully submits that the Schwartz reference fails to disclose creating "paths appropriate to make the network operate as a strictly non-interfering network" as provided, which is discussed more fully above. Applicant therefore respectfully submits that independent Claim 19 is patentable over the cited combination. Additionally, Applicant respectfully submits that independent Claims 1, 5 and 11 are patentable over the Schwartz reference. Claims 2-4, 6-10 and 12, 16-18 depend upon and include the limitations of independent Claims 1, 5 and 11, respectively, Applicant submits that these claims are also patentable over the cited combination for the same reasons. Applicant requests that the rejection under Section 103(a) be withdrawn.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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